

**Atty Docket No.: IDF 1761
(4000-06400)**

Patent

REMARKS

At the time of the Office Action of February 23, 2006, claims 1-12 were pending in the present application. Claims 1-12 have been finally rejected. The Applicants traverse the rejections and request reconsideration.

INTERVIEW SUMMARY

The Applicant thanks the Examiner for having a telephone interview with attorney Albert Metrailler on March 24, 2006. In the interview the Examiner indicated that he would listen to arguments concerning the rejections based on the Bhatia reference. The attorney explained his positions relating to section 4 of the final office action which are set out in more detail below. No agreement on any issues was reached.

CLAIM REJECTIONS – 35 USC § 102

Claims 1-12 have been rejected as anticipated by the Bhatia et al. US Patent 6,118,768. The Applicants traverse these rejections.

The claim rejections are identical to the rejections stated in the Office Action of September 21, 2005 and need not be repeated. The Applicants provided arguments traversing these rejections in the Response of December 5, 2005. The Examiner rejected these arguments in section 4, paragraphs A through G of the pending Office Action of February 23, 2006. The Applicants will address the Examiner's response to the arguments.

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(A) Applicants argued that Bhatia does not teach or suggest receiving a configuration file at all, much less from a remote location. The Examiner disagreed, citing several sections of Bhatia.

The Applicants agree that downloading a configuration file over the internet is not in and of itself a new process. Such a process is described in the first 33 paragraphs of the present specification. Beginning at paragraph 34, a problem in the prior art process of downloading a configuration file is explained and the novel method for solving the problem is provided. In particular, when a new configuration file is received, it is conventional to reboot the system to be sure that the new configuration parameters are properly updated, that is input to the various modules that use the parameters to operate. However, rebooting necessarily takes the system offline for the time needed to reboot and users may find this outage to be unacceptable or at least annoying. The present inventors realized that some, but not all, configuration parameters may be updated dynamically, i.e. without rebooting, without causing any faults or disruptions in service. If only those parameters are changed when a new configuration file is received, then a reboot can be avoided, and service to the user will not be interrupted. The present invention provides methods and systems for checking a new configuration file to see which parameters were changed and, if possible, dynamically updating the parameters, i.e. without a reboot.

The commonly understood meaning of a configuration file is a file comprising a plurality of parameters, usually all the parameters, needed by the functional modules of an operating system or application program. For example, one parameter is a number

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representing the level of comfort noise provided by the application. A configuration file is not executable code such as an operating system or application program.

While Applicants agree that downloading a configuration file is not new, Bhatia does not teach downloading a configuration file and therefore cannot teach the process and method for checking such a file to see if dynamic updating is possible and, if it is, updating the parameters without a reboot, i.e. dynamically updating.

The Examiner cited Col 62, lines 1-5 of Bhatia for teaching a configuration file from a remote server.

This citation is to a portion of claim 1 of Bhatia. A full reading of claim 1 and the specification shows the error in the Examiner's position. Claim 1 is for a network communication device that includes a processor. The processor is in communication with a host device through a second network. The processor automatically adapts the network communication device to allow it to communicate through the second network with the host device. The processor downloads "a predetermined configuration file ... to the host device ... whereby, through use of the configuration file, the one host device can subsequently configure the network communication device through the second network."

Bhatia does not use the term "configuration file" in the normally understood way. Bhatia's configuration file is actually a file containing a web page application that allows a user at the host device to interactively enter individual configuration parameters in response to a series of questions presented by the web page. Bhatia's configuration file is sent by the device that is to be configured, not received by the device to be

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configured. That is, the communication device is to be configured, but according to Bhatia it is the processor in the communication device that sends the "configuration file" to the host device. The host device sends individual configuration parameters back to the processor and the processor then configures itself after collecting all needed parameters.

Thus while Bhatia may use the term "configuration file", it has a meaning different from the meaning commonly understood by those skilled in the art. It is actually an application for configuring. It is not sent to the device to be configured.

The Examiner also cited Bhatia col. 4, lines 45-47 and col. 26, lines 28-32 for the proposition that Bhatia discloses the modem receiving configuration information directly from the LAN, and the LAN modem can be remotely configured via a networked connection. The Examiner asserts that this inherently means receiving a configuration file meaning a set of related records or information such as data, text, spreadsheets, pictures, voice and video.

It is true that at col. 4, lines 45-47, Bhatia teaches that the modem can receive configuration information from a workstation, i.e. host, on the LAN. However, as discussed above, the modem does not download a configuration file as that term is understood by those skilled in the art. Instead it interactively requests individual parameters from a user at the workstation.

It is also true that at col. 26, lines 28-32, Bhatia teaches that the modem can be remotely configured via a networked connection. However, the only process for obtaining configuration information taught by Bhatia is for the modem to send the

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"configuration file" web page to the workstation and then interactively request individual parameters from the user at the workstation, whether on the LAN or remotely located.

The Examiner has equated data, text, spreadsheets, pictures, voice and video with configuration parameters. Most of these types of data, especially pictures, voice and video, would be normal parts of the web page application (the "configuration file") taught by Bhatia. However, they would not be expected to be parameters in a configuration file.

(B) Applicants argued that Bhatia teaches entering individual parameters that the modem uses to configure itself and that Bhatia teaches nothing about comparing such parameters to ones that have been previously received.

The Examiner disagreed on the basis that features such as comparing such parameters to ones that have been previously received is not in claim 1.

The actual argument made by the Applicants concerning this issue included the following:

"The second step requires identifying parameters in the new configuration file which are different than existing parameters stored in the customer premises hub. The second step is performed after a configuration file, i.e. a complete set of parameters, has been received. The contents of that new file are compared to the old or existing file to see if they are different. As noted above, Bhatia only teaches entering individual parameters that the modem uses to configure itself. Bhatia teaches nothing about comparing such parameters to ones that might have been previously received."

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It is clear from claim 1 and from the arguments that the step of identifying parameters that are different from the existing parameters means the same thing as comparing the new parameters to the old parameters. It is also clear that Bhatia does not teach identifying parameters that are different than the existing parameters. Bhatia teaches only interactively collecting individual parameters in the modem and then configuring the modem with those parameters.

(C) Applicants argued that Bhatia provides no teaching or suggestion concerning the possibility of changing configuration parameters dynamically.

The Examiner disagreed, citing several portions of Bhatia.

Citing col. 24, lines 55-67, the Examiner asserts: that Bhatia discloses dynamically constructing a default web page through which the user can choose to configure the LAN modem; that network parameters are entered to properly configure the LAN modem; that the configuration of the LAN modem takes place after a web page is dynamically constructed; and that therefore Bhatia teaches the "possibility of changing configuration parameters dynamically".

The Applicants submit that even if Bhatia could "possibly" operate in the same way as disclosed by the applicants, such a possibility is not a prior art teaching that could anticipate or make obvious the present invention.

Bhatia does not discuss in any way the normal need to reboot a system when operating parameters are changed. Bhatia does not discuss the difference between dynamically updating parameters and the normal reboot process. At col. 5, lines 7-10, Bhatia merely states that the configuration data is extracted from responses from the

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user and is stored in a database in the LAN modem for subsequent use. The configuration process is discussed as an initial start up process and not as an updating process that would occur while the modem is operating to provide communication services for the user. Bhatia does not teach even the possibility of dynamic updating of configuration parameters.

Citing col 11, lines 35-42, the Examiner asserts that Bhatia discloses that the LAN modem can be configured to dynamically assign an available IP address within the subnet assigned to the LAN modem providing dynamic IP addressing which the Examiner then equates with "dynamic configuration".

Bhatia does not teach or suggest that dynamic IP addressing is part of the configuration process. The cited language is in a paragraph discussing establishing the ISDN connection, not configuring the modem. The dynamic addresses are for the workstations, not the modem.

(D) Applicants argued that Bhatia teaches nothing about dynamically changing parameters and therefore could not teach performing dynamic changing of parameters.

The Examiner disagreed referring to his position under item (C) above because Bhatia indeed teaches "dynamic changing parameters".

As discussed above, Bhatia teaches dynamic IP addressing for workstations, not dynamic changing of parameters of the modem, which is the only device that Bhatia teaches being configured.

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(E) Applicants argued that Bhatia does not teach: that each functional module stores configuration file parameters which affect its operation; that each functional module has a check function; and that each functional module has an update function.

The Examiner disagreed citing Col. 49, line 60 to col. 50, line 20 as teaching that the LAN modem continually checks the executable code stored within the DRAM against the same executable code stored in the flash memory for any discrepancies and the integrity of the executable code in the DRAM is maintained by continually and repeatedly comparing and correcting it (i.e. update) to identically reflect that stored within the flash memory.

The present invention teaches a method for updating configuration parameters, not executable code.

Updating configuration parameters means downloading a new, and therefore different, configuration file and replacing the old, and different, parameters with the new parameters. The process cited by the Examiner is a process for keeping executable code in DRAM the same (i.e. not changing it) as the original copy of the code stored in flash memory. Bhatia does not teach or suggest downloading a new version of the executable code and dynamically changing it.

Even if the module taught by Bhatia had functions of checking to see if a newly downloaded file was different and updating those that are different, it would be in the one special purpose module, not in all the modules.

(F) Applicants argued that Bhatia does not teach a configuration update module, especially one adapted to receive a configuration file over the WAN.

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The Examiner disagreed, citing two sections of Bhatia.

Citing col. 17, lines 50-53 the Examiner asserts that Bhatia discloses a configuration manager with configuration update capacity to update and configure the LAN modem.

At col. 17, line 53 through col. 18, line 7, Bhatia discloses the type of data in local database 416 that is updated and where that data is obtained. Much of it is information it receives from the workstations on the LAN and may be obtained automatically or through the interactive web page in which the user fills in the data. Part of the data is stored in the EPROM which is part of the LAN modem itself. None of this data is received over the WAN and none of it is received as a new configuration file.

Citing col. 5, lines 16-35, the Examiner asserts that Bhatia discloses the LAN modem connected to the remote server (i.e. a server from which the LAN modem receives configuration information or configuration file to update the modem).

The portion of Bhatia cited by the examiner discusses only an addressing function by which the modem routes messages between a plurality of workstations on the LAN to a plurality of remote servers. It does not discuss or imply that the modem itself receives configuration information from a remote server.

(G) Applicants argued that since Bhatia does not teach configuration files, or downloading configuration files from a file server, it cannot and does not teach a configuration server.

The Examiner disagreed citing col. 62, lines 1-5 for the proposition that Bhatia teaches a "configuration file" from a remote server.

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The cited portion of Bhatia is part of Bhatia's claim 1. As discussed above, a complete reading of claim 1 makes it clear that Bhatia's "configuration file" is the web page that is used to interactively obtain configuration data from a user at a workstation. It is clear that the "configuration file" is transferred from the modem, not a remote server, to the workstation on the LAN. It is clear that the device being configured is the modem, not the workstation, even though the so called "configuration file" is sent from the modem to the workstation. It is clear that the so called "configuration file" is an executable code file and not a file comprising configuration parameters. If it did contain the configuration parameters needed by the modem to configure itself, why would the modem send the data to the workstation that does not need the modem's configuration parameters?

Summary:

It is clear that Bhatia teaches none of the steps of claim 1 and does not anticipate or make obvious any of the pending claims. Allowance of claims 1-12 is respectfully requested.

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CONCLUSION

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Applicants respectfully submit that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

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